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# consumer news

Office of Consumer Affairs  
Executive Office of the President Virginia H. Knauer, Director

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## New consumer law identifies drugs

The Congress has passed & President Nixon has signed a bill creating a new consumer law that for the first time provides the Federal Government with an up-to-date list of all drugs being sold in the U.S. The Drug Listing Act of 1972 enables the Food & Drug Administration to have access to needed information on how many drugs there are, who makes them, what their ingredients are, how they are labeled & promoted, whether they are in compliance with FDA's earlier requirements.

The law's direct benefit for consumers is that FDA will be able to promptly notify all manufacturers, processors & repackers of a particular drug when FDA issues a warning about certain ingredients used in different drugs.

### Major provisions of the law

- Require manufacturers & processors of drugs to provide Health, Education & Welfare Dept. (meaning FDA, which is within HEW) with a list of all drugs they make or process for sale;
- Require makers of certain prescription drugs, new drugs, antibiotics, drugs containing insulin & new drugs for animals to submit to HEW/FDA a reference to the agency's authorization for them to sell their products or to explain why authorization was not necessary;
- Require makers of certain over-the-counter drugs to submit the label & package for a drug & a sample of any other current label information of each drug along with a list of the active ingredients of each drug;
- Require companies to provide the government with a twice-a-year updating of the list of drugs being sold in the U.S.;
- Provide for prosecution of violators of the Drug Listing Act with a fine of up to \$10,000, imprisonment of up to 3 years or both.

## CN Notebook

The purpose of CN NOTEBOOK is to provide a forum in which readers of CONSUMER NEWS may exchange ideas about shopping harder to save money. If you want to pass along some of your shopping ideas, send your suggestions to CN NOTEBOOK, Office of Consumer Affairs, Washington, DC 20506.

Mrs. Charles A. Greene of Keene, NH, writes: "If one must buy—and I advise against it—plastic-wrapped produce, at least remove the wrappings from it on arrival home. The produce lasts longer without the wrappings than with it. As to why I advise against buying it plastic-wrapped, the shopper cannot see what she's getting with the wrappings in the way. Bad produce is sometimes worked off [sold] by this means. I speak from experience."

The highlight of a letter from Mrs. Stewart K. Gibson of Waltham, MA, is that "the average consumer seems inevitably to avoid the lower-cost cuts of beef, regardless of name. They'll buy a "California" chuck at 20¢ a lb. more than a cut labeled "chuck" beside it and cut from the same or better part of the chuck!"

## **Agency studies fabric fires & cites need for safer matches & lighters**

National Bureau of Standards has contracted with Trident Engineering Associates to study the chain of events leading to garment fires started by matches or lighters and to recommend changes in matches & lighters to make them safer. Bureau fire experts are already recommending that matches be packaged in such a way as to limit a child's access to them and that design of matches & lighters be changed to make it virtually impossible for a child to ignite them.

Fire research by the bureau reveals that 28% of accidental garment fires result from matches or lighters. The study showed that matches & lighters together accounted for 24% of all fabric fires, which include 3 categories of materials: garments, bedding & other furnishings. Matches started five times more fires than lighters.

In case studies of match fires, 44% of the persons involved (those injured & killed as well as those unharmed) were children under 10; 29% of the total number of persons involved with match fires were children under 6 years old. Practically all of these cases were the results of children playing with matches or lighters. The other 56% of the cases were spread over the remaining age groups with accidents tending to occur more frequently with increasing age over 36.

The bureau's studies show how frequently different fabric products are involved in injurious fires and show inter-relationships between fabrics and fire sources. The study data is being used (1) to develop priorities for national mandatory standards for flammability of fabric products; (2) to provide basis for development of realistic tests to discriminate between highly hazardous products and those of lower potential hazard; (3) to help understand other aspects of the flammable fabric problem. The bureau's prime objective is to identify & provide assistance in ranking the ways of reducing the number of deaths, injuries & economic losses by accidental fabric fires.

## **Industry support urged for safer glass doors**

Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, has asked the National Association of Home Builders & the American Institute of Architects to throw their active support behind an effort to make sure that every house in the country has only safety glass or suitable plastic in hazardous locations such as glass storm doors, patio doors & bathtub & shower enclosures.

Presently, many houses have only ordinary annealed glass in these locations, which shatters easily on impact, causing 250,000 injuries a year & more than 100 deaths. Yet a variety of safety glazing materials is available, including tempered glass, laminated glass, wire mesh glass & various types of plastics.

In a letter to the National Association of Home Builders, Mrs. Knauer noted that NAHB had expressed support of safety glazing, but wrote that "what is needed is more than just passive cooperation by the home building industry—i.e. conforming with the model codes, local ordinances & new state laws as they are passed. What is needed is your active participation in the growing campaign to make safety glazing in every home a nationwide reality."

Mrs. Knauer praised another industry group, the Architectural Aluminum Manufacturers Association, for encouraging members to use only safety glazing (safety glass or safety plastic) in all sliding glass doors & storm doors produced. "The AAMA," she wrote, "didn't wait for safety glazing to be required, but instead went ahead & acted on its own." She also praised Sears, Roebuck & Co., Montgomery Ward & Co. & J. C. Penney Co. for switching to safety glazing on their retail lines.

## **New Federal publication**

*Paper & Wood Packaging in Solid Waste, Sub-Council Report*, published by National Industrial Pollution Control Council; 25¢; available from Supt. of Documents, Government Printing Office, Washington, DC 20402.

## **FTC sets guidelines for product ads**

**Federal Trade Commission** has stated that it is unlawful for an advertiser to make claims in favor of a product unless there is a reasonable basis for making such claims.

The commission issued its statement in a decision dismissing a complaint challenging ads by Pfizer Inc. for Un-Burn, a nonprescription product for use on minor burns & sunburn. The complaint alleged that the claims for Un-Burn were not substantiated by Pfizer by "adequate & well-controlled scientific studies or tests prior to the making of such statement." The commission dismissed the proceeding because the evidence was not sufficient to prove that Pfizer in fact lacked a reasonable basis for its advertising claims for Un-Burn.

FTC Chairman Miles Kirkpatrick, in stating the new advertising-claims policy, said that the commission "is of the view that it is an unfair practice in violation of the Federal Trade Commission Act to make an affirmative product claim without a reasonable basis for making that claim. Fairness to the consumer, as well as fairness to competitors, dictates this conclusion." He said that without a reasonable basis for an advertiser's favorable product claims, a consumer's ability to make an economically rational product choice—and a competitor's ability to compete on the basis of price, quality, service or convenience—is materially impaired and impeded.

Kirkpatrick's statement added: "The question of what constitutes a reasonable basis is essentially a factual issue which will be affected by the interplay of overlapping considerations such as

- "The type and specificity of the claim made—e.g., safety, efficacy, dietary, health, medical;
- "The type of product—e.g., food, drug, potentially hazardous consumer product, other consumer product;
- "The possible consequences of a false claim—e.g., personal injury, property damage;
- "The degree of reliance by consumers on the claims;
- "The type, and accessibility, of evidence adequate to form a reasonable basis for making the particular claims. . . ."

## **Agency to stop Questioned TV ads**

**Federal Trade Commission** has provisionally accepted a consent order prohibiting American Home Products Corp. & its advertising agent Cunningham & Walsh Inc. from using allegedly deceptive TV demonstrations for several of American Home's products:

- Easy-On Speed Starch & any other product for laundering, ironing or treating fabrics;
- Easy-Off window cleaner, Aerowax floor wax & any other product for cleaning windows or cleaning, repairing or polishing the house & its usual furnishings, fixtures or objects;
- Black Flag Ant & Roach Killer with Baygon & any other product for controlling pests, insects or weeds or for fertilizing earth;
- Any of the company's aerosol shaving cream or shoe-care products;
- Any product used to cool foods or beverages;
- Any product for freshening or deodorizing air or for lighting fires.

Following are examples cited in FTC's complaint challenging American Home Products & Cunningham & Walsh (such TV commercials would be prohibited by the consent order):

- Half of a window is sprayed with "Easy-Off Window Cleaner" & half with the "leading brand" & both are allowed to dry. The Easy-Off half is spotless while the "leading-brand" half has spots. (If the "leading-brand" half had been wiped as directed, no spots would have formed, according to the complaint.)
- Cockroaches are placed in 2 separate containers, one treated with Black Flag & one treated with a "leading brand" insecticide. The roaches in the Black Flag container die while the others do not. (The roaches in the leading brand container allegedly were a type known to have developed a resistance to the competitive product's active ingredient.)

FTC's consent order is for settlement purposes for the complaint only & does not constitute an admission of violation of law by American Home or its advertising agent.

## Uncovering cosmetic ingredients

Office of Consumer Affairs has received letters from 19 cosmetic manufacturers indicating that they are considering ingredient labeling of their products. The letters were in response to inquiries made by OCA about the companies' policies on ingredient labeling.

Virginia Knauer, OCA Director, has been urging cosmetic makers to provide ingredient information because (1) ingredient labeling will allow consumers to avoid products containing noxious or allergy-causing substances; (2) such information will help doctors to diagnose allergies; (3) consumers "have a right to know what is in a product before buying it; in particular, they are entitled to know precisely what is in something being put on their skin, hair or near their eyes."

Colgate-Palmolive Co. reported that it had decided to voluntarily list ingredients on all its products sold in the U.S. The Mennen Co., Revlon & Warner-Lambert told OCA that they had decided to provide more information on ingredients, but they did not make a total commitment to ingredient labeling. Many of the 19 cosmetic companies said either they were waiting for Congressional action on a bill that would require ingredient labeling of cosmetics or they were waiting for possible labeling requirements by Food & Drug Administration. [See "More on cosmetics" in this issue of CONSUMER REGISTER.]

Mrs. Knauer noted that the commitments from the 19 cosmetic companies do not speak for the thousands of other companies that produce cosmetics for the American consumer. The 19 companies, however, are among the leaders of the industry, she said, & the steps they take will influence the rest of the companies.

In addition to the 19 major companies setting the example for other companies to label cosmetic ingredients, Mrs. Knauer said 13 major women's organizations—representing 2.5-million women—are uniting in a nationwide drive to encourage the labeling of all cosmetics.

The following are the companies (other than those mentioned above) responding to OCA's request for ingredient labeling:

Alberto-Culver Co.; Chesebrough-Ponds Inc.; Clairol; Coty; Elizabeth Arden Inc.; Fabergé Inc.; The Gillette Co.; Helena Rubinstein; Helene Curtis Industries Inc.; Lanvin-Charles of the Ritz Inc.; Max Factor & Co.; Merle Norman Cosmetics; Noxell Corp.; Revlon; Shulton Inc.; Yardley of London Inc.

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